

Sixth Appellate District

San Jose, California

TUESDAY, MAY 26, 2009

H031330 MONTEREY VISTA MOBILE ESTATES HOMEOWNERS' ASSOCIATION v. BYBEE, et al.

By the Court\*:

Appellant Monterey Vista's petition for rehearing is denied.  
Filed: May 26, 2009

\*Before Bamattre-Manoukian, Acting P.J., Mihara, J. and Duffy, J.

H033300 PEOPLE v. BRANDON H.

The August 20, 2008 commitment order is ordered modified by including an award of 242 days of predisposition custody credits. As so modified, the commitment order is affirmed. (not published) (Bamattre-Manoukian, Acting P.J.; We concur: McAdams, J., Duffy, J.)

Filed May 26, 2009

H032264 PEOPLE v. PENCE

In case No. SS063116A, the judgment is reversed, and the case is remanded to the trial court with directions that defendant be permitted to withdraw his no contest plea and that further proceedings be conducted as may be appropriate. If defendant elects not to withdraw his no contest plea, the trial court shall impose a fine under section 290.3 after taking into consideration the date of defendant's offense; state the statutory basis for penalty assessments and, where necessary, make the requisite, underlying factual findings; and as so modified, the judgment shall be reinstated. In case No. SS051792B, the judgment is reversed, and the case is remanded to the trial court with instructions that further proceedings be conducted as may be appropriate. (not published) (Bamattre-Manoukian, Acting P.J.; We concur: McAdams, J., Duffy, J.)

Filed May 26, 2009

H032566 RILEY v. McDONALD et al.

The judgment is affirmed. Costs on appeal are awarded to respondent Deborah McDonald. (not published) (Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., Duffy, J.)

Filed May 26, 2009

H032436 LEE et al. v. KUO; CHANG et al.

The judgment is affirmed. Costs on appeal are awarded to respondents. (not published) (Bamattre-Manoukian, J.; We concur: Rushing, P.J., Elia, J.)

Filed May 26, 2009

Sixth Appellate District

San Jose, California

WEDNESDAY, MAY 27, 2009

H032858 MILLER on Habeas Corpus

The matter is remanded to the superior court with directions to modify its order granting Miller's petition for writ of habeas corpus. The order shall be modified to direct the Governor to vacate his June 20, 2006 parole decision and invite him to conduct a new review of the Board's decision in light of the decisions in *In re Lawrence* (2008) 44 Cal.4<sup>th</sup> 1181 and *In re Shaputis* (2008) 44 Cal.4<sup>th</sup> 1241. As modified, the order is affirmed. (not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed May 27, 2009

H031583 Y.K.A INDUSTRIES, INC. v. REDEVELOPMENT AGENCY OF THE CITY OF SAN JOSE AND NINA GRAYSON

Filed order publishing opinion.

(Duffy, J., Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed May 27, 2009

H032302 PEOPLE v. OWENS

The judgment is affirmed. (not published)

(Duffy, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)

Filed May 27, 2009

THURSDAY, MAY 28, 2009

The following cases are submitted this date:

H032439 PEOPLE v. WILBER

H033696 In re D.T.; D.F.C.S. v. K.M.

H033790 In re A.M.; MONTEREY COUNTY DSES v. A.M.

H032628 PEOPLE v. SCHNEIDER

The abstract of judgment is ordered modified as follows: (1) to state that the total number of custody credits is 738 days; (2) to delete the references to the section 186.11 enhancements, which appear in section 2 on the first 13 pages of the abstract of judgment form; and (3) to delete the notation "\*\*\* Stricken pur PC1385" in section 11 on the last page of the abstract of judgment form. As so modified, the judgment is affirmed. The clerk of the superior court is directed to prepare an amended abstract of judgment and to forward it to the Department of Corrections and Rehabilitation. (not published)

(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed May 28, 2009

Sixth Appellate District

San Jose, California

Thursday, May 28, 2009 (continued)

H032445 PEOPLE v. CORTES

The judgment is affirmed. (not published)  
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)  
Filed May 28, 2009

H032616 In re BAUTISTA on Habeas Corpus

Filed modification of opinion with no change in the  
judgment. (not published)  
(McAdams, J., Bamattre-Manoukian, Acting P.J., Mihara, J.)  
Filed May 28, 2009

H033573 PEOPLE v. ADAMS

Execution of sentence on count 3 and count 4 and the  
attendant enhancements on those counts is stayed pending service  
of sentence on count 1. The trial court is directed to prepare  
an amended abstract of judgment reflecting these modifications  
and to forward a copy of the amended abstract to the Department  
of Corrections and Rehabilitation. As so modified, the judgment  
is affirmed. (not published)  
(Elia, J.; We concur: Rushing, P.J., Premo, J.)  
Filed May 28, 2009

H032185 PATTERSON v. DMV

The judgment is affirmed. (not published)  
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Duffy, J.)  
Filed May 28, 2009

H032567 MORGADO FOUR CONSTRUCTION, INC. v. SUPERIOR COURT

Filed modification of opinion with no change in the  
judgment. (not published)  
(Duffy, J., Mihara, Acting P.J., McAdams, J.)  
Filed May 28, 2009

H032188 FORCE v. DEPARTMENT OF MOTOR VEHICLES

The judgment is affirmed. (not published)  
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Duffy, J.)  
Filed May 28, 2009

Sixth Appellate District

San Jose, California

FRIDAY, MAY 29, 2009

H031633 BIGGS CARDOSA ASSOCIATES INC. and HARMS v. BRADBURY

The judgment is affirmed. (not published)  
(Duffy, J.; We concur: Rushing, P.J., McAdams, J.)  
Filed May 29, 2009

H032813 BENNETT et al. v. M. LEWIS, INC. et al.

The judgment is affirmed. (not published)  
(Bamattre-Manoukian, Acting P.J.; We concur: McAdams, J., Duffy, J.)  
Filed May 29, 2009

H032348 PEOPLE v. ROUSE

The judgment is affirmed. (not published)  
(Rushing, P.J.; We concur: McAdams, J., Duffy, J.)  
Filed May 29, 2009

H031708 MCMAHON v. CITY OF MONTEREY et al.

The order denying Officer McMahon's petition is affirmed.  
(not published)  
(Rushing, P.J.; We concur: Premo, J., Elia, J.)  
Filed May 29, 2009

H032721 4900 PATRICK HENRY DRIVE ASSOC. v. KEITH ROOFING, INC.

The judgment is affirmed. (not published)  
(Elia, J.; We concur: Rushing, P.J., Bamattre-Manoukian, J.)  
Filed May 29, 2009

H031705 DOYLE, AS CITY ATTORNEY v. PACIFIC GAS AND ELECTRIC COMPANY

By the Court:

On the court's own motion, the submission order in the above-entitled matter dated March 4, 2009, is hereby vacated. The court by separate letter issued May 29, 2009, has requested supplemental briefing from the parties. The cause will be resubmitted upon completion of supplemental briefing.

Dated: May 29, 2009 Rushing, P.J.

H033302 BRAUGHTON, et al. v. NMHCS, etc.

The judgment is modified to omit any prospective damages for continued obstruction of the easement after April 2, 2008. As modified, the judgment is affirmed. The parties shall each bear their own costs on appeal. (not published)  
(Elia, J.; We concur: Rushing, P.J., Premo, J.)  
Filed May 29, 2009

Sixth Appellate District

San Jose, California

Friday, May 29, 2009 (continued)

H032653 PEOPLE v. PITTS

The judgment is affirmed. (not published)  
(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Duffy,  
J.)

Filed May 29, 2009

The following case is submitted this date:

H030020 PEOPLE v. STORY

H032902 CONSERVATORSHIP OF THE PERSON OF ALDEN BLOXHAM

H032904 CONSERVATORSHIP OF THE PERSON OF MARCELLE BLOXHAM

The May 16, 2008 order is affirmed. Respondent Juliette  
Bloxham is awarded her costs on appeal. (not published)  
(Bamattre-Manoukian, Acting P.J.; We concur: McAdams, J., Duffy,  
J.)

Filed May 29, 2009